

UNITED STATES DISTRICT COURTfor the
Northern District of New York**UNITED STATES OF AMERICA****GARCIA-AGUSTIN, Carlos****Defendant.**

Case No. 3:25-MJ-79 (ML)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about March 24, 2025, in the county of Delaware in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1326(a)

Offense Description

The defendant, an alien, native and citizen of Guatemala, after having been removed from the United States, entered, and was thereafter found in the United States without having obtained the express consent of the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security, for reapplication for admission into the United States.

This criminal complaint is based on these facts:

Continued on the attached sheet.

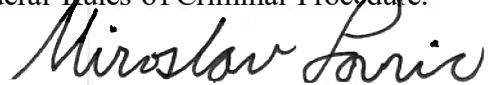

Complainant's signature

Timothy W. Irving, U.S. Homeland Security Investigations

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: March 25, 2025


Judge's signature

City and State: Binghamton, New York

Hon. Miroslav Lovric U.S. Magistrate Judge

Printed name and title

Continuation Sheet, United States v. Carlos GARCIA AGUSTIN

On March 24, 2025, at approximately 06:00 A.M., Homeland Security Investigation (HSI) and Enforcement and Removal Operations (ERO), conducted a targeted enforcement action in the Village of Sidney, NY, to locate several individuals known to be illegally present in the United States, and working as subcontractors for Alpine Roofing. The targets included Carlos GARCIA-AGUSTIN a citizen and national of Guatemala who had been previously removed from the United States.

At 07:45 A.M. HSI Special Agent (SA) Youstina Aziz observed an Alpine Roofing truck, and an unknown blue sedan approach a targeted residence on Pleasant Street in the Village of Sidney. HSI SA Aziz observed an individual get out of the Alpine Roofing truck with it still occupied by two other individuals that appeared to match the description of targeted individuals of this enforcement action. ERO Supervisory Detention and Deportation Officer (SDDO) Jonathan Hill attempted to stop the Alpine Roofing truck near 74 River Street, Sidney, NY. The truck initially did not stop. Upon coming to a stop, the driver and passenger got out of the vehicle and ran in different directions. The passenger was apprehended by your affiant and Bureau of Alcohol Tobacco and Firearms (ATF) SA Jack Mahar. The driver fled and ran toward NY Route 8 through the brush and fields. Approximately an hour later, the driver GARCIA-AGUSTIN was located in the woods and brush behind Alpine Roofing, located at 164 River Street, Sidney, NY 13838, an approximate distance of 72 miles away from the traffic stop. GARCIA-AGUSTIN was identified by his New York State Driver's License located on his person during his arrest. GARCIA-AGUSTIN was then transported to the Immigration and Customs Enforcement (ICE) Office in Malta, NY for further processing.

Upon arrival at the ICE Malta Office, biographical information and fingerprints were entered into Department of Homeland Security databases for the individual. Record checks revealed GARCIA-AGUSTIN is a citizen of Guatemala and has been previously deported from the United States to Guatemala. GARCIA-AGUSTIN was initially encountered by the United States Border Patrol (USBP) on May 15, 2002, in Albuquerque, NM and placed into removal proceedings. On January 7, 2003, GARCIA-AGUSTIN was granted Voluntary Departure by an Immigration Judge in Baltimore, MD with instructions to depart the United States by May 7, 2003. It was also further ordered that if GARCIA-AGUSTIN did not depart the United States in accordance with the Voluntary Departure requirements that the Voluntary Departure order would be withdrawn and he would be ordered removed to Guatemala. GARCIA-AGUSTIN failed to depart the United States under Voluntary Departure. On December 7, 2008, GARCIA-AGUSTIN was encountered by the Prince George County Police, Maryland during a traffic stop. On January 9, 2009, GARCIA-AGUSTIN was removed from the United States from Harlingen, TX to Guatemala.

GARCIA-AGUSTIN has not received the express permission of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to apply for readmission into the United States.